

Kirkpatrick

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

29954

FILE: B-214453

DATE: December 6, 1984

MATTER OF: Duty assignment of typists
at their homes

DIGEST:

The payment of salaries for a select group of typists assigned to work at their homes is not legally objectionable where their actual work performance can be measured against established quantity and quality norms so as to verify time and attendance reports.

Under administrative controls for monitoring the amount and quality of typing, the Veterans Administration proposes to allow a limited number of typists to work at home and asks whether there would be any objection to paying the employees working at home. We find that paying employees assigned to home work sites on a limited basis is legally permissible if there are adequate monitoring controls.^{1/}

Initially ten employees, and at most fifteen, assigned to a Veterans Administration facility at Wilkes-Barre, Pennsylvania, would be selected to type at home. The stated purpose of the proposal is to increase productivity, enhance morale, and prevent overcrowding at the Wilkes-Barre facility. The typists, using Government equipment at home, would receive transcribing cassettes from the facility after being selected during a monitoring period when their lines-per-minute and number of mistakes per line are computed. Only high performers during the monitoring phase would be selected.

The volume and quality norms established during the in-house monitoring would be the basis for reviewing the work performed at home. Typists would be required to schedule home tours of duty in advance and turn in a signed weekly record of periods actually worked.

We have observed that under most circumstances Federal employees will not be compensated for work performed at home rather than at their duty stations. However, we have made

^{1/} The Administrator of the Veterans Administration requested this decision.

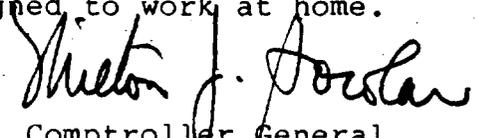
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some exceptions for certain temporary employees or for certain after hours work based on the nature of the work and the ability of the agency to ascertain that the work was in fact performed. See B-182851, February 11, 1975; B-169113, March 24, 1970; B-131094, April 17, 1957.

The facts of the present case differ from the facts of the cases referred to above since in this case the home would be designated as the full-time work site. The agency indicates that by matching the amount of satisfactory typing performed against the established quantity and quality norms, the employing office should have a reasonable check on the work hours reported by the typist. This verification of the time worked will enable the typist and the employing office to comply with time and attendance reporting requirements. See GAO, Policy and Procedures Manual for Guidance of Federal Agencies, tit. 6, § 17.2 (T.S. No. 6-31, December 30, 1982). This is important not only for verifying pay entitlement, but also for computing leave accrued and used.

While we express no opinion as to the desirability of assigning employees to home work sites, we are aware of no statutory or regulatory barrier to the Veterans Administration proposal. Therefore, provided there is the ability to verify the hours worked, we have no legal objection to paying the typists who are assigned to work at their homes under the proposed plan. If it has not already done so, the Veterans Administration may wish to consult with the Office of Personnel Management concerning this proposal in view of that agency's general responsibility for Executive agencies' personnel practices. It may also wish to contact the Department of Labor concerning the application of the Federal Employees Compensation Act, 5 U.S.C. §§ 8101-8151, and the Department of Justice concerning the application of the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and 28 U.S.C. §§ 2671, et seq., to injuries which may occur while the employee is assigned to work at home.

for 
Comptroller General
of the United States